

stone under the influence of liquor while on the bench" he was asked. "I can't say that I have," was the reply.

"I have seen him on the bench when his mind did not appear active, but I don't know what the cause was. I don't know that I ever saw him but once when I thought he was under the influence of liquor, and then he was not on the bench."

**Change for Worse.**

"Have you noticed any apparent change in his mental condition in recent years?"

"What is the nature of that change?"

"Well, I should say it has been a serious, pitiable and grievous one."

"Have you ever seen Judge Blackstone asleep on the bench?"

"I have seen him apparently asleep during the trial of a case, when lawyers could not attract his attention."

Witness testified that during a certain trial Judge Blackstone had been appealed to by him about the introduction of some evidence, and he could not arouse him, so he then got Sheriff Curtis to wake him.

He further testified that he and a friend had taken Judge Blackstone to a Keeley Institute in Washington, D. C., a few years ago, and after his return, he thought the judge was in pretty good shape.

**Reputation Not Good.**

"Had Judge Blackstone been on a debauch?" was asked.

"I do not know anything about a debauch," he replied, "but I think he has been consuming a good deal of liquor."

"Do you know his general reputation for sobriety and morality?"

"I believe I do."

"What is it?"

"Well, I should say not good."

"Isn't it that he is a confirmed drunkard?"

"I have heard some people say so."

"Was his former mental condition good?"

"Yes."

"What is it at present?"

"I believe Judge Blackstone's mind is affected at times, though I do not know the cause."

Witness testified that he had formerly brought a number of suits in Judge Blackstone's court, but that he did not bring so many there now for the reason that he had seen the judge on the bench when he did not think his mind was sound.

**Drowsy on Bench.**

Mr. O. D. Bachelor, another Newport News lawyer, testified along the same line as had Mr. Lett. He had seen Judge Blackstone on the bench when he appeared very drowsy, though whether it was from liquor or some other cause he could not say.

"Have you noticed any change in his mental condition within the past four or five years?"

"Yes, sir."

"What is its nature?"

"For the worse, I should say."

"Do you know his general reputation for sobriety and morality?"

"I believe I do."

"What is it?"

"I suppose I should say bad, but I will qualify that by adding that I have heard a great many people close to him refute statements as to his alleged immorality and inebriety."

**Prefers Another Judge.**

"Did you ever see Judge Blackstone intoxicated on the streets of Newport News or elsewhere?"

"Intoxication is a term of very doubtful meaning, and I don't just know how to define it; but I will say I never saw Judge Blackstone when he could not take care of himself."

Witness was asked if he had brought many suits before Judge Blackstone. In the last two or three years, and he said he had not, though nearly all his time had been taken up as counsel for the Jamestown Exposition, and he had therefore handled but little local practice during this period. He said he had one suit now pending before Judge Blackstone, in which he represented the defendant, and though he had entered no objection to Judge Blackstone sitting in it, he believed he would prefer to try it before some other judge.

**His Condition.**

The next witness was Mr. W. J. Nelms, also a Newport News lawyer. Asked by Mr. Lett if he had ever seen Judge Blackstone intoxicated while on the bench, he declared that he knew not how to answer, as he was not an expert on the subject of intoxication.

"Have you ever seen him on the bench when you thought his condition was such that he could not properly attend to the business before him?"

"I think so."

"Can you specify when?"

"I don't recall the exact occasions."

"Have you observed any change in Judge Blackstone's mental condition in recent years?"

"Yes, sir."

"Please state the nature of the change," said Mr. Lett.

"Well," replied the witness, "when Judge Blackstone first came on the bench at Newport News I considered him the brightest mind with which I had ever come in contact, either in or out of court. I have noticed a marked change for the worse in the past few years."

"What is his general reputation for sobriety and morality?"

"I regret to say it isn't good."

**Drinks Too Much.**

"Did you ever see Judge Blackstone intoxicated on the streets of Newport News?"

"I cannot say that I have, but it is generally reported that he drinks too much whiskey there and elsewhere."

Witness was cross-examined by Mr. Collier, and admitted that Judge Blackstone's decisions had stood the test of the Supreme Court.

Just before leaving the stand Mr. Nelms, in answer to a question by Chairman Massie, of the committee, declared that he had signed no petition requesting the Legislature to investigate Judge Blackstone's official record. This question had been answered in like manner by the preceding witnesses.

**Intellect Failing.**

Mr. Maryus Jones, a practitioner at Newport News, followed.

"Have you observed any change in Judge Blackstone's mental condition in recent years?"

"Yes, sir."

"What is the nature of that change?"

"Well, I should say it has been a serious, pitiable and grievous one."

"Have you ever seen Judge Blackstone asleep on the bench?"

"I have seen him apparently asleep during the trial of a case, when lawyers could not attract his attention."

Witness testified that during a certain trial Judge Blackstone had been appealed to by him about the introduction of some evidence, and he could not arouse him, so he then got Sheriff Curtis to wake him.

He further testified that he and a friend had taken Judge Blackstone to a Keeley Institute in Washington, D. C., a few years ago, and after his return, he thought the judge was in pretty good shape.

**Reputation Not Good.**

"Had Judge Blackstone been on a debauch?" was asked.

"I do not know anything about a debauch," he replied, "but I think he has been consuming a good deal of liquor."

"Do you know his general reputation for sobriety and morality?"

"I believe I do."

"What is it?"

"Well, I should say not good."

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Judge Blackstone's mental condition within the past few years?" he was asked.

"Yes, sir," he said, in replying. "When he first came on the bench I looked upon him as having the most gigantic intellect I ever knew."

"Is this true now?"

"I am sorry to say it is not. When he first goes on the bench lawyers familiar with him in court can detect flashes of his former brilliancy, but after sitting for several hours he seems to collapse, as it were, and does not appear able to quickly grasp the problems before him."

"Did you ever see him drunk on the bench?"

"No, sir."

"What is his general reputation for morality and sobriety?"

"Judge Blackstone has a number of friends who say it is good, and I have heard a number of others say it is bad."

Mr. Ashby cross-examined the witness, and asked him, among other things, if he didn't think Judge Blackstone was more the victim of contrast, owing to his great brilliancy in former years, than otherwise, and he answered that this might be true.

Mr. Jones was the last witness at the morning session, and at 2 P. M. the committee rose, to sit again at 4 o'clock.

**Afternoon Session**

When the hearing was resumed, Captain C. C. Berkeley was sworn, and testified that he was a member of the Newport News bar.

"Do you bring many suits in Judge Blackstone's court?" he was asked by Mr. Lett.

"I do not," he replied.

"Why?"

"Because the other court in Newport News is more competent to hear and determine the litigation."

"Has this always been so?"

"No, sir."

"How long has it been so?"

"About four years."

**Never Tried.**

"What is the cause of the change?"

"It is, in my opinion, due to the mental condition of the circuit judge. It was four years ago that I instituted my last suit in Judge Blackstone's court. That case is now upon the docket, and has never been tried."

"Do you know Judge Blackstone's general reputation for morality and sobriety?"

"Yes, sir."

"What is it?"

"It is, as far as I know it, that he has under the influence of intoxicants during much of the time, both on and off the bench."

"Have you seen him under the influence of intoxicants during the past four years while on the bench?"

"As I said I have been little in his court during the last four years; therefore I cannot answer."

**Cross-examined by Mr. Collier.** witness said he had not seen Judge Blackstone drunk in the past four years on the bench.

"What is the judge's reputation for integrity and impartiality as a judge?"

"That case is now upon the docket, and has never been tried."

This question was not answered for the present, Mr. Lett quickly declaring that it was cheerfully conceded that Judge Blackstone is one of the most impartial and upright jurists in the State.

If the other side withdraws the question the committee will ask it," said Mr. Page.

"We want it answered," said Mr. Collier, and then the witness said Judge Blackstone's reputation for integrity and impartiality on the bench was good.

**Another Lawyer.**

Mr. E. M. Braxton, a Newport News lawyer, testified that he had never seen Judge Blackstone drunk on the bench, though he had seen him drunk off the bench in 1906.

He agreed with former witnesses that the reputation of Judge Blackstone for morality and sobriety was bad, and he also corroborated other evidence that his mind has weakened in recent years.

Witness testified that in a damage suit at Hampton last January Judge Blackstone had a child on the bench, and that a lawyer from the bar had to be selected to preside during the remainder of the trial.

"Was there anything in the appearance or actions of Judge Blackstone to indicate that he was drunk?" asked Mr. Collier.

"No, sir," replied the witness without hesitation.

Testifying as to the change alleged in Judge Blackstone's mental capacity, witness said there was a time when Judge Blackstone carried absolute conviction to his mind through his decisions, though this was not true at present.

**Showed Effects.**

Mr. W. C. L. Tallafra, a member of the Hampton bar, testified that though he did not know that he had ever seen Judge Blackstone incapacitated for work on the bench, he had seen him on the bench when he showed the effects of whiskey.

As to Judge Blackstone's mental capacity and his reputation for morality and sobriety, witness agreed in the main with the testimony of other lawyers who had been on during the day.

"Have you noticed any change in Judge Blackstone's mental condition between the opening and closing of a term of his court?" asked Mr. Lett.

"I have seen him when he appeared in better condition mentally at the opening of a term, and vice versa," he replied.

"Have you ever failed to try a case owing to the mental condition of the judge?"

"I recall at least one such instance, 'Doeg Judge Blackstone set all the cases on the docket and then disposed of them in their regular order,'" asked Mr. Collier.

"Yes, sir," he said, in replying. "I recall at least one such instance, 'Doeg Judge Blackstone set all the cases on the docket and then disposed of them in their regular order,'" asked Mr. Collier.

"Do you ever know an instance in which Judge Blackstone failed to try a case for a particular day, unless some preceding case had taken more time than had been allotted for it?"

"Well, I have known Judge Blackstone to fail to come to the courtroom on a day when a case was pending."

Witness was not positive as to what this case was, though he had been under the impression that the jury waited all day, and the judge didn't come.

Thought He Had Been Drunk.

Mr. John Weymouth, who had presided at the trial referred to when Judge Blackstone had left the bench in Hampton on account of having a chill, was sworn, and declared he had seen Judge Blackstone on the bench when he thought he had been drinking.

He agreed with former witnesses as to Judge Blackstone's mental condition and as to his general reputation for morality and sobriety.

Former Judge E. E. Montague, of Hampton, was put on by Mr. Lett, and his testimony was favorable to Judge Blackstone concerning the allegation that he was going to sleep on the bench at a criminal trial in Hampton had been the result of drinking.

Witness said that he and Attorney Bland, of Newport News, had observed the judge closely just as he was leaving the courthouse, and that he was not under the influence of liquor.

He had never seen Judge Blackstone on the bench when he appeared at all under the influence of liquor, or when he was unable to dispatch the business of his court with intelligence.

Witness was of opinion that Judge Blackstone now has more business in Elizabeth City county than in former years. He testified that he had been Commonwealth's attorney ever since Judge Blackstone had been on the bench, and that he now holds the office.

**Woke Judge Up.**

Mr. C. V. Spratley was called, but did not answer, and Mr. H. H. Holt, clerk of the court of Elizabeth City county, was put on.

He testified that he had aroused the judge on the occasion when he is alleged to have gone to sleep on the bench in the Pavilic murder trial at Hampton. This had been done at the request of one of the lawyers in the case. When Judge Blackstone had been aroused several times witness said he heard the lawyers about the matter in controversy, and he later adjourned court until the next morning.

If he had been drinking, witness did not observe it, and had never seen him intoxicated on the bench.

Mr. Holt declared that the docket of his court was not now more than half its length under the old Constitution, and he was sure this was the result of Judge Blackstone's business methods in disposing of the work of the court.

Though called by the prosecution, Mr. Holt made a good witness for Judge Blackstone on cross-examination.

The committee at 6 o'clock took a recess until 8 P. M., and at the latter hour reconvened in the hall of the House.

**Night Session**

Mr. C. V. Spratley, of Hampton, was introduced. He said he was a lawyer, was present at the Pavilic trial in Hampton, and witnessed the awakening of Judge Blackstone by the clerk. He saw the judge walk up the steps after the hearing, and he felt that he was usually steady, though being on the opposite side of the street, witness could not say that there was anything wrong with his condition. He had seen Judge Blackstone during the last term of the Circuit Court of Elizabeth City in Newport News, and Judge Blackstone had admitted to him that he was drinking.

"He left the case for a drive," said the witness, "and I thought he was drunk, and did not want him to go, as he had some money with him, and the only person accompanying him was a negro driver."

"Was a jury trial pending in Judge Blackstone's court at the time?" asked Mr. Lett.

"Yes, sir," he replied.

"What is his general reputation for sobriety and morality?"

"It is bad."

**Saw Him in Saloon.**

Mr. H. M. Morgan, a real estate agent of Hampton, testified that he had seen Judge Blackstone in English's saloon on an evening during the trial of Pavilic, when he is alleged to have gone to sleep on the bench. He was brought down the back steps by two negro attendants in apparently a helpless condition.

Mr. R. D. Cock, a lawyer of Hampton, swore that he had noticed Judge Blackstone on the street a few moments after adjournment, and that he could not say he was intoxicated, but he must have been under the influence of something which caused him to fall asleep on court and to appear unsteady on the street.

**Apparent to Be Doped.**

Mr. B. T. Tennis, a contractor of Hampton, and one of the signers of the petition, said as he understood it, the petition was delivered to the good people of Hampton, to see if they could not get some relief from such a judge as the incumbent.

He said that after the adjournment of one of the sessions of the court in the Pavilic trial, "and I remember where comes the judge, and he's got it."

"The next day I was in the court-house and the judge appeared to be doped."

It came out on cross-examination that witness attended a meeting in Dr. Pierson's office to further the petition against Judge Blackstone, and that Mr. Pierson is a brother-in-law of Mr. C. T. Copeland, of Hampton, testified as to Judge Blackstone's alleged tardiness in opening court in the Pavilic trial; he saw him asleep on the bench, and witness thought the judge was intoxicated.

The witness was a member of the jury in the Pavilic case.

Mrs. Lewis was attempting to show that the chief delay alleged in the progress of the trial had resulted from Judge Blackstone's reputed condition, but when the counsel for the defense told her to stop, she was ordered to discontinue.

They drew from him the admission that much of the time of the long trial was consumed by unnecessary questions on the part of the Commonwealth's attorney, Mr. B. A. Lewis, and the fact that the lawyers could not stop the one-winded statement of the insane prisoner.

**Other Witnesses.**

Mr. C. W. Betts testified that he saw Judge Blackstone, when he presided, at least five minutes. He was a member of the jury, and was rigidly cross-examined by Mr. Collier, Messrs. R. O. Clarke and John H. Wray, who served on another jury, where a man was on trial for housebreaking. He testified that he saw the judge asleep on this occasion. Mr. F. P. Holston, also a juror at this trial, gave similar testimony. Answering Mr. Page, of the committee, witness said he had served on juries in Judge Blackstone's court since, and that this was the only instance of the kind he knew of, and that Judge Blackstone, he had understood, dispatched the business of his court in an expeditious manner.

Captain G. W. Hope, clerk of the Town Council, of Hampton, testified at some length. Some of his testimony was against the accused, but in the main it was highly favorable. The committee rose at 10 P. M. to meet at 10 o'clock this morning.

**NOTED EDUCATOR LECTURES HERE**

Dr. Lovett, of Princeton, Discusses "The Sun and His System."

The lecture by Dr. Edgar Odell Lovett, of Princeton University, at the Virginia Mechanics' Institute last night was heard by a large audience. The speaker was introduced as a graduate of the University of Virginia, the present occupant of the chair of astronomy at Princeton, the recently elected president of Rice Institute, Houston, Tex., and therefore a Southern educator.

Dr. Lovett's lecture, his theme, "The Sun and His System," and showed views of the sun, planets, comets and nebulae.

The address was instructive in the happy faculty the lecturer had of making concrete the abstract ideas of his science. The distance from the earth to the sun was described as double the distance made by a train of good speed from July 4, 1776, until the present time. If the child could reach his little arm to the sun the sensation of burning would take just long enough to reach the nervous centre of the child, who would then grow to be a centenarian.

The physical constitution of the sun is studied by means of the spectroscopic just as Kirchhoff accidentally discovered that a fire burning near his laboratory was consuming salt from the cellar of the house.

Newton's law and the common law of three bodies were put into popular language, and he showed the utilitarian side of the study of astronomy in its applications to navigation and the regulation of time.

There is no conflict nor ever has been between "science" and "religion," but rather between "science" and "theology," the lecturer declared.

He spoke of the new developments in astronomy, of the recently discovered drifts of stars. Stars of the universe are moving in two drifts, traveling in opposite directions, one at rate of five miles a second, and the other seventeen.

Edgington, of Greenwich, England, proved this fact about a year ago. The discourse was closed with an antithetical allusion to the teachings of Christianity and the ancient Persian pessimism of Omar Khayyam, as found in the recently-faded last will and testimony. The wine of the Oriental philosopher flows that he may "drink and be merry, for to-morrow we die."

**Minor Arrests.**

Matt Ross, colored, was arrested last night on a charge of stealing from R. B. Vanhorn, and on a second warrant for being disorderly.

Miss Lottie Bowen, colored, was arrested last night at the First Police Station on a charge of stealing one lot of laundry from the Model Laundry, valued at \$2. Probable sentence, one day in jail, for currying and abusing which doesn't appear in Clarence's warrant.

**Miss Lottie Bowen.**

Miss Lottie Bowen, colored, was arrested last night at the home of her brother, Mr. J. Norman Bowen, Belle Meade, Chesterfield county, in which she has two brothers and two sisters.

Arrangements for the funeral have not yet been made.

**THE WEATHER**

Forecast: Virginia—Fair Friday and Saturday; slightly warmer Saturday. North Carolina—Fair Friday; Saturday, fair; warmer; light to fresh north wind; warmer; becoming variable.

**CONDITIONS YESTERDAY.**

Richmond's weather was clear and calm. Range of the thermometer: 9 A. M. .... 35 6 P. M. .... 34 12 M. .... 38 1 P. M. .... 31 3 P. M. .... 35 6-8

Highest temperature yesterday .... 33 Lowest temperature yesterday .... 33 Mean temperature yesterday .... 33 Normal temperature yesterday .... 40 Departure from normal temperature .... 0.25 Precipitation ..... 0.02

**CONDITIONS IN IMPORTANT CITIES.**

(At 8 P. M. Eastern Time.)

Place. Ther. H. T. Weather.

Ashville ..... 34 64 Clear

Atlanta ..... 34 64 Clear

Buffalo ..... 16 24 Clear

Charlotte ..... 12 24 Clear

Cincinnati ..... 30 30 Rain

Detroit ..... 14 22 Clear

Galveston ..... 42 46 Clear

Hartford ..... 42 46 Clear

Jacksonville ..... 32 48 Clear

Kansas City ..... 34 40 Clear

Memphis ..... 40 48 Clear

New Orleans ..... 40 48 Clear

Oklahoma City ..... 40 48 Clear

Pittsburg ..... 36 44 Clear

Raleigh ..... 42 44 Clear

Savannah ..... 32 42 Clear

Norfolk ..... 42 44 Clear

Tampa ..... 18 30 Clear

Yellowstone ..... 12 30 Clear

MINUTEMAN ALMANAC, February 21, 1908.

Sun rises ..... 6:54 HIGH TIDE ..... 7:23

Sun sets ..... 5:54 Moon rises ..... 7:43

Moon sets ..... 9:57

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| <p>\$18.00 Ladies' and Misses' Tailored Suits, \$6.50.</p> <p>\$25.00 Ladies' Tailored Suits at \$12.50.</p> <p>\$36.00 Ladies' Cream Broadcloth Evening Gowns, \$15.00.</p> <p>\$10.00 Ladies' and Misses' Long Coats now \$4.00.</p> <p>\$7.50 Children's White Bearskin and Astrakhan Coat Sets now \$3.50.</p> <p>\$1.25 Ladies' Black Mercerized Waists now 80c.</p> <p>\$7.50 Ladies' All-over Lace and Net Waists, white and ecru, now \$4.50.</p> <p>\$5.50 White Net Waists now \$2.05.</p> <p>\$2.50 Ladies' Japanese Figured Crepe Kimonos, solid ground, now \$1.75.</p> <p>\$2.10 Crepe Kimonos, solid colors, now \$1.00.</p> <p>\$3.50 Ladies' Long French Flannellette Kimonos now \$1.80.</p> <p>\$1.25 Ladies' Flannellette Wrappers now 60c.</p> <p>\$1.50 Children's Percal and Chambray Dresses, 60c.</p> <p>\$1.50 Ladies' Corset Covers now 30c.</p> <p>\$1.50 Ladies' Hemmed and Lace-trimmed Muslin Skirts, 95c.</p> <p>\$2.00 Ladies' Muslin Gowns, 21c.</p> <p>\$1.50 Ladies' Muslin Gowns, 75c.</p> <p>\$1.50 Ladies' French Flannellette Gowns, white, 70c.</p> <p>\$1.25 Ladies' French Flannellette Gowns, all colors, 75c.</p> <p>\$2.25 Child's Short, Daintily Trimmed Nainsook Dresses, \$1.50.</p> <p>\$2.50 Infants' Daintily Trimmed Nainsook and Muslin Dresses, \$1.39.</p> <p>12½c Children's Muslin Drawers, 9c.</p> <p>30c Children's Short Trimmed Muslin Skirts, 25c.</p> <p>25c Children's Muslin Skirts, 10c.</p> <p>42c Children's Muslin Skirts, 12½c.</p> <p>\$18.00 Ladies' Velvet Hats, \$2.05.</p> <p>\$12.00 Ladies' Velvet Hats, \$1.05.</p> <p>\$8.00 Ladies' Velvet Hats, 95c.</p> <p>\$2.25 Children's White and Colored French Felt Hats, 25c.</p> <p>\$2.50 Ladies' and Misses' Walking Hats now 25c.</p> <p>\$1.50 Ladies' All-Wool Pants, white, gray and red, 5</p> |
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